

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH AMALFITANO,

Plaintiff,

NOTICE OF REMOVAL

-against-

Case No.

NEW YORK CITY DEPARTMENT OF EDUCATION,
DAVID BANKS, *in his official capacity as Chancellor*,
and DANIEL WEISBERG, *in his official capacity as First
Deputy Chancellor*,

Defendants.
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**TO: THE UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF NEW YORK**

Defendants, NEW YORK CITY DEPARTMENT OF EDUCATION, DAVID
BANKS, *in his official capacity as Chancellor*, and DANIEL WEISBERG, *in his official capacity
as First Deputy Chancellor* (collectively “Defendants”), by and through their attorney, Hon. Sylvia
O. Hinds-Radix, Corporation Counsel of the City of New York, respectfully move this Court as
follows:

1. On or about May 26, 2022, Defendants were served with the Verified
Petition and Order to Show Cause, as well as accompanying papers, in a New York State Supreme
Court action, alleging Federal and State claims, and setting forth the claims for relief upon which
the action was based.

2. A copy of Plaintiff’s Verified Petition is annexed hereto as Exhibit “A.”

3. A copy of Plaintiff’s Order to Show Cause, and its accompanying papers is
annexed hereto as Exhibit “B.”

4. Accordingly, upon the filing of the Verified Petition, the above-captioned action is a civil action of which the District Court has original jurisdiction pursuant to 28 U.S.C. § 1331, in that it alleges claims which arise under the laws of the United States. This action is therefore removable to the District Court without regard to the citizenship or residence of the parties, pursuant to 28 U.S.C. §§ 1441 and 1443.

5. This Notice of Removal is timely because it is being filed within thirty (30) days of the filing of the Verified Petition. See 28 U.S.C. § 1446 (b).

6. All Defendants consent to the removal of this action to federal court.

7. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which the action is pending.

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WHEREFORE, Defendants respectfully request that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Eastern District of New York.

Dated: New York, New York
June 1, 2022

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City of New York
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By: /s/ *Kimberly R. Karseboom*
Kimberly R. Karseboom
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TO: Chad J. Laveglia, Esq,
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Docket No.
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK
JOSEPH AMALFITANO, <div>Plaintiff,</div> <div>-against-</div> NEW YORK CITY DEPARTMENT OF EDUCATION, DAVID BANKS, <i>in his official capacity as Chancellor</i> , and DANIEL WEISBERG, <i>in his official capacity as First Deputy Chancellor</i> , <div>Defendants.</div>
NOTICE OF REMOVAL
HON. SYLVIA O. HINDS-RADIX <i>Corporation Counsel of the City of New York Attorney for Defendants 100 Church Street, Rm. 2-138 New York, N.Y. 10007</i> <i>Of Counsel: Kimberly Karseboom Tel: (212) 356-1654 Matter No.: 2022-028205</i>
<i>Due and timely service is hereby admitted.</i> <i>New York, N.Y..... , 2022</i> <i>..... Esq.</i> <i>Attorney for</i>